

Individual Decision



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The attached reports will be taken as Individual Portfolio Member Decisions on:

Thursday 27 July 2017

Ref:	Title	Portfolio Members	Page No.
ID3235	West Berkshire Council Forward Plan - 30 August 2017 to 30 November 2017	Councillor Graham Jones	3 - 16
ID3350	2017/18 Revised Exceptional Hardship Policy	Councillor Keith Chopping	17 - 32



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Individual Executive Member Decision

West Berkshire Council Forward Plan - 30 August 2017 to 30 November 2017

Committee considering report:	Individual Executive Member Decision
Date of Committee:	27 July 2017
Portfolio Member:	Councillor Graham Jones – Leader of the Council
Forward Plan Ref:	ID3235

1. Purpose of the Report

- 1.1 To advise Members and residents of items to be considered by West Berkshire Council over the next four months.

2. Recommendation

- 2.1 That the Leader of the Council agrees and where appropriate amends the West Berkshire Council Forward Plan.

3. Implications

- 3.1 **Financial:** The Forward Plan has no financial implications.
- 3.2 **Policy:** The Forward Plan details the Policies to be adopted by West Berkshire Council.
- 3.3 **Personnel:** The Forward Plan has no personnel implications.
- 3.4 **Legal:** The Forward Plan has no legal implications.
- 3.5 **Risk Management:** The Forward Plan has no risk management implications.
- 3.6 **Property:** The Forward Plan has no property implications.
- 3.7 **Other:** Not applicable.

4. Consultation Responses

Members:

Leader of Council:	Councillor Graham Jones
Overview & Scrutiny Management Commission Chairman:	Councillor Emma Webster at Overview and Scrutiny Management Commission meetings.
Ward Members:	All Members
Opposition	Councillor Lee Dillon at Overview and Scrutiny Management

- Spokesperson:** Commission meetings.
- Local Stakeholders:** The West Berkshire Forward Plan will be published the first working day after the Individual Decision is signed.
- Officers Consulted:** Nick Carter, John Ashworth, Rachael Wardell, Heads of Service, Group Executive.
- Trade Union:** Not sought.

5. Other options considered

5.1 Not applicable.

6. Appendices

6.1 Appendix A – Supporting Information

6.2 Appendix B - Equalities Impact Assessment

6.3 Appendix C – West Berkshire Council Forward Plan - 30 August 2017 to 30 November 2017

6.4 Appendix D – Notice of Private Decisions for 7 September 2017 Executive meeting

Individual Executive Member Decision

West Berkshire Council Forward Plan - 30 August 2017 to 30 November 2017- Supporting Information

1. Introduction/Background

- 1.1 West Berkshire Council's Forward Plan, which is published monthly, sets out the key decisions that the Executive (either collectively or by Individual Executive Members) are expected to take over the next four months.
- 1.2 Key decisions are defined by the Government (Regulation 8 of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2001) as:
 - (1) Those which result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which the decision is related.
 - (2) Those which are significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority.
- 1.3 The introduction of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in September 2012 included a requirement to publish 28 clear days' notice of any intended key decision. It should be noted that "clear days" means working days, from midnight to midnight, and excludes weekends and public holidays, so 28 clear days equates to around 5½ normal weeks.
- 1.4 On occasions, however, situations may arise where an urgent decision needs to be made in respect of an item that does not appear on the Forward Plan. There are two different ways in which this can be done:
 - (i) The authority can take an urgent key decision without giving 28 days' notice where it is impracticable to give the full notice, provided that the authority gives at least five days' clear notice to all Members of the Overview and Scrutiny Management Commission, which can then call in the decision to check that it was genuinely urgent; or
 - (ii) Where a key decision is so urgent there is not even time to give five clear days' notice, the authority can take the decision if the Chairman of the Overview and Scrutiny Management Commission has agreed that the key decision is urgent and cannot reasonably be deferred.
- 1.5 In addition The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 introduced an entirely new requirement for the Council to publish 28 clear days' notice of the intention to hold a private meeting (or part of a meeting) of the Executive. This 28 day notice must be

reinforced by a five day notice which sets out the reasons for the meeting to be held in private, details of any propositions received as to why the meeting should be open, and the Council’s response. The response will be provided by the Monitoring Officer. The regulations again provide for an urgency procedure, under which the Council can decide the matter with shorter than 28 or five days’ notice, provided that it has first obtained the consent of the Chairman of the Overview and Scrutiny Management Commission.

- 1.6 There are currently three confidential items scheduled for the 7 September 2017 Executive meeting. The required notice is attached as Appendix D and will be displayed at the Council. If any representations are received the five day notice will be issued on 30 August 2017. The items are:
 - EX3341 – Proposed Property Investment - (*Paragraph 3 - information relating to financial/business affairs of particular person*)
- 1.7 Details of decisions that Full Council, the Governance and Ethics Committee and the Personnel Committee are going to take are also included for ease of reference. It should, however, be noted that the 2012 Regulations only apply to Executive meetings.
- 1.8 It should also be noted that any changes made to Executive Member Portfolios will be reflected in the Forward Plan once they are known.
- 1.9 Publication of the Forward Plan remains a statutory requirement of the Local Authority. The Forward Plan, any General Exception Decision Notices and Notices of Private Decisions have to be available for inspection and also have to be published on the Council’s website.

Background Papers: None.

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council’s position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Officer details:

Name: Moira Fraser
 Job Title: Democratic Services Manager
 Tel No: (01635) 519045
 E-mail Address: moira.fraser@westberks.gov.uk

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Forward Plan
Version and release date of item (if applicable):	
Owner of item being assessed:	Moira Fraser
Name of assessor:	Jo Reeves
Date of assessment:	19 July 2017

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	No
Service	No		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	
Objectives:	
Outcomes:	
Benefits:	

2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this.
None		

Further Comments relating to the item:

3. Result	
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	Yes

Name: Jo Reeves

Date: 19 July 2017

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

West Berkshire Council Forward Plan

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Key:	C= Council
	DOD= Delegated Officer Decision
	EX= Executive
	GE= Governance and Ethics Committee
	ID= Individual Decision
	PC= Personnel Committee
	PP= Joint Public Protection Committee

West Berkshire Council Forward Plan 30 August 2017-30 November 2017

The items included in the Forward Plan were correct at the time of publication. The Forward Plan may however change and you are asked to contact Moira Fraser – Tel (01635) 519045 or email: moira.fraser@westberks.gov.uk to confirm the contents of any meeting agenda before attending. **Executive decisions may be taken by the Executive acting as a collective body or by officers acting under delegated powers.**

Reference	Item	Purpose	Decision Body	Month/Year	Executive	ID	Date Report Published	Council	Governance and Ethics Committee	OSMC	Other	Officer and Contact No	Directorate	Lead Member	Consultee(s)	Part II	Call In
ID3293	Approval of Community Plans	To agree any Community Plans which have been presented.	ID	01 August 2017		01/08/17	tbc					Jo Naylor	Resources	Community Resilience & Partnerships			
ID3321	Parking scheme - Consolidation Order Amendment 25	To consider the responses received during statutory consultation	ID	01 August 2017		01/08/17	tbc					Alex Drysdale	Transport and Countryside	Highways & Transport			
PC3214	Remuneration for Election Roles	To consider the remuneration offered for various roles associated with elections.	PC	01 August 2017							tbc	Moira Fraser	Resources	Corporate Services		No	Yes
C3310	Appointment of the Independent Remuneration Panel	To agree the membership and scope of the IRP.	C	01 September 2017			06/09/17	14/09/17 C				Moira Fraser	Resources	Leader of the Council			
C3093	Amendments to the Constitution - Scheme of Delegation	To review and amend sections of the Scheme of Delegation in light of legislative changes and current practice.	C	01 September 2017			11/08/17	14/09/17 C	21/08/17 GE			Sarah Clarke	Resources	Leader of the Council, Strategy		No	No
C3192	Changes to the Constitution	To make amendments to the Constitution.	C	01 September 2017				14/09/17 C	TBC			Moira Fraser	Resources				
C3373	Market Street Development Newbury	Consideration of the appropriation of land under the Development Agreement (s.203 of the Housing and Planning Act 2016)	C	01 September 2017			06/09/17	14/09/17 C				Bill Bagnell	Resources	Deputy Leader, Planning, Housing & Leisure		No	No
C3361	New Arrangements for Appeals Panel	To propose an increase in the number of Members on an Appeals Panel from three to four and to remove the requirement for a substitute.	C	01 September 2017			06/09/17	14/09/17 C	21/08/17 GE			Moira Fraser	Resources	Leader of the Council, Strategy	Corporate Directors and Heads of Service		
EX3338	Annual Report (Performance)	To present the Council's Annual Performance Report to the Executive.	EX	01 September 2017	07/09/17 EX		11/08/17					Catalin Bogos	Resources	Leader of the Council, Strategy			
EX3180	Key Accountable Performance 2017/18: Quarter One	To report quarter one outturns against the Key Accountable Measures contained in the 2017/18 Council Performance Framework and any additional performance intelligence.	EX	01 September 2017	07/09/17 EX		30/08/17					Catalin Bogos	Resources	Leader of the Council, Strategy			
EX3272	Legal Shared Service	The purpose of this report is to seek an 'in principle' decision to consider a shared service for Legal Services.	EX	01 September 2017	07/09/17 EX		30/08/17					Sarah Clarke	Resources	Corporate Services		No	Yes
EX3303	Financial Performance Report 2017/18 - Quarter One	To inform Members of the latest financial performance of the Council.	EX	01 September 2017	07/09/17 EX		30/08/17					Melanie Ellis	Resources	Finance, Transformation and Economic Development		No	Yes
EX3358	Treasury Management Annual Report 2016-17	To report to Executive on treasury management activity and performance for the previous year in line with the Code of Practice for Treasury Management in the Public Services	EX	01 September 2017	07/09/17 EX		30/08/17					Gabrielle Esplin	Resources	Finance, Transformation and Economic Development			
EX3341	Proposed Property Investment (Paragraph 3 - information relating to financial/business affairs of particular person)	To agree to the potential purchase of a property which does not conform with the criteria of the Property Investment Strategy	EX	01 September 2017	07/09/17 EX		30/08/17					Richard Turner	Communities	Leader of the Council		Yes	No
EX3371	The transfer of the leasehold of the Hungerford Library building to Hungerford Town Council	To transfer the leasehold.	EX	01 September 2017	07/09/17 EX		30/08/17					Paul James	Environment	Culture and Environment			

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Reference	Item	Purpose	Decision Body	Month/Year	Executive	ID	Date Report Published	Council	Governance and Ethics Committee	OSMC	Other	Officer and Contact No	Directorate	Lead Member	Consultee(s)	Part II	Call In
ID3236	West Berkshire Forward Plan – 10 October 2017 to 31 December 2017	To agree the Forward Plan for the next four months.	ID	01 September 2017		07/09/17	30/08/17					Moira Fraser	Resources	Leader of the Council, Strategy	Corporate Directors and Heads of Service		
ID3294	Approval of Community Plans	To agree any Community Plans which have been presented.	ID	01 September 2017		01/09/17	tbc					Jo Naylor	Resources	Community Resilience & Partnerships			
ID3357	Petition – Proposed Closure of Queens Road Newbury	To respond to a petition presented to the council	ID	01 September 2017		14/09/17	06/09/17					Glyn Davis	Environment	Highways & Transport			
ID3362	Community Care (Adult Social Care) Compliments and Complaints Report	For information.	ID	01 September 2017		01/09/17	tbc					Mary Page	Communities	Adult Social Care			
ID3363	Children and Family Services Annual Complaints Report	For information.	ID	01 September 2017		01/09/17	tbc					Rachel Brickman	Communities	Children, Education & Young People			
PP3320	Air Quality Action Plan	To agree the Air Quality Action Plan outlining measures for improving air quality within the Air Quality Management Areas declared for the Twyford and Wokingham Town Centres	PP	01 September 2017							19/09/17 JPPC	Sean Murphy	Environment	Community Resilience & Partnerships			
EX3298	Insurance Retender 2017	The Council is putting all of its insurance arrangements out to re tender, with new contracts needing to be in place by 1st November 2017. The decision to award the contracts is reserved to the Executive, as a "key" decision. However, the tender process will be complex, and time to perform the evaluation of the tenders will be limited, eg it is likely that we will need to seek clarification from the insurance companies. It will therefore be difficult to meet the deadlines set by the meetings of the Executive. Therefore this report seeks delegated authority for the Heads of Finance and Legal and the Portfolio Holder to award the contract(s).	EX	01 October 2017	19/10/17 EX		11/10/17					Ian Priestley	Resources	Corporate Services			No
EX3342	Proposed Property Investment (Paragraph 3 - information relating to financial/business affairs of particular person)	To agree to the potential purchase of a property which does not conform with the criteria of the Property Investment Strategy	EX	01 October 2017	19/10/17 EX		11/10/17					Richard Turner	Communities	Leader of the Council			Yes No
ID3322	Parking scheme - Consolidation Order Amendment 26	To consider the responses received during statutory consultation	ID	01 October 2017		01/10/17	tbc					Alex Drysdale	Transport and Countryside	Highways & Transport			
ID3237	West Berkshire Forward Plan – 14 November 2017 to 31 January 2018	To agree the Forward Plan for the next four months.	ID	01 October 2017		12/10/17	04/10/17					Moira Fraser	Resources	Leader of the Council, Strategy	Corporate Directors and Heads of Service		
ID3295	Approval of Community Plans	To agree any Community Plans which have been presented.	ID	01 October 2017		01/10/17	tbc					Jo Naylor	Resources	Community Resilience & Partnerships			
ID3374	A4 Newbury to Calcot Cycle Improvements (Phase 1)	To inform the Executive Member for Highways and Transport of responses received during public consultation on a highway improvement scheme and agree a course of action.	ID	01 October 2017		18/10/17	10/10/17					Neil Stacey	Environment	Highways & Transport			

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West Berkshire Council Forward Plan 30 August 2017-30 November 2017

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Reference	Item	Purpose	Decision Body	Month/Year	Executive	ID	Date Report Published	Council	Governance and Ethics Committee	OSMC	Other	Officer and Contact No	Directorate	Lead Member	Consultee(s)	Part II	Call In
EX3343	Proposed Property Investment (Paragraph 3 - information relating to financial/business affairs of particular person)	To agree to the potential purchase of a property which does not conform with the criteria of the Property Investment Strategy	EX	01 November 2017	23/11/17 EX		15/11/17					Richard Turner	Communities	Leader of the Council		Yes	No
EX3372	The transfer of the freehold of the Corn Exchange to the Corn Exchange (Newbury) Trust	To transfer the freehold.	EX	01 November 2017	23/11/17 EX		15/11/17					Paul James	Environment	Culture and Environment			
GE3370	Risk Management - Review for Governance and Ethics Committee	At the meeting of the G&E Committee on the 23rd November 2015 Councillor James Cole, commenting on a report outlining the Council's risk management approach, raised some reservations about the approach taken by the Council. The committee asked Councillor James Cole to review the Council's approach to risk management and report back to the committee in due course. This report outlines the results of that review and makes a number of recommendations for improving the Council's risk management arrangements.	GE	01 November 2017					27/11/17 GE			Ian Priestley	Resources	Corporate Services			
GE3256	Update on Ethical Matters - Quarter 2 of 2017/18	To provide an update on local and national issues relating to ethical standards and to bring to the attention of the Committee any complaints or other problems within West Berkshire.	GE	01 November 2017			17/11/17		27/11/17 GE			Sarah Clarke	Resources	Chairman of Governance and Ethics			
GE3257	Financial Statements 2016/17 - Annual Audit Letter	To provide Members with the Final Annual Audit Letter 2015/16 from KPMG, this audit letter summarises the outcome from their audit work at West Berkshire Council in relation to the 2015/16 audit year.	GE	01 November 2017			17/11/17		27/11/17 GE			Lesley Flannigan	Resources	Finance, Transformation and Economic Development			
GE3270	Outcome of the External Review of Internal Audit	To provide members with the results of the external review of internal audit and seek comments on any proposed actions.	GE	01 November 2017			17/11/17		27/11/17 GE			Ian Priestley	Resources	Corporate Services			
ID3238	West Berkshire Forward Plan – 12 December 2017 to 28 February 2018	To agree the Forward Plan for the next four months.	ID	01 November 2017		09/11/17	01/11/17					Moira Fraser	Resources	Leader of the Council, Strategy	Corporate Directors and Heads of Service		
ID3239	West Berkshire Forward Plan – 05 January 2018 to 31 March 2018	To agree the Forward Plan for the next four months.	ID	01 November 2017		30/11/17	22/11/17					Moira Fraser	Resources	Leader of the Council, Strategy	Corporate Directors and Heads of Service		
ID3296	Approval of Community Plans	To agree any Community Plans which have been presented.	ID	01 November 2017		01/11/17	tbc					Jo Naylor	Resources	Community Resilience & Partnerships			

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NOTICE OF A PRIVATE MEETING OF A DECISION-MAKING BODY¹

Notice of an imminent occasion when the public may be excluded from a meeting due to the likelihood that if members of the public were present during an item of business confidential or exempt information would be disclosed to them.

¹ In accordance with Regulation 5(7) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1. At least 28 clear days before a private meeting² of a decision-making body, public notice³ must be given which must include a statement of reasons for the meeting to be held in private.
2. At least 5 clear days before a private meeting of a decision-making body, further public notice⁴ must be given which must include a statement of reasons for the meeting to be held in private, details of any representations received by the decision-making body about why the meeting should be open to the public and a statement of the Council's response to such representations.
3. Where the date by which a meeting must be held makes compliance with the above requirements impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from the Chair of the Overview and Scrutiny Management Commission.

Date of Decision or period within which the decision is to be made	Ref No:	Matter in respect of which the decision is to be made	Short Description	Decision maker	Executive Member & Lead Officer	List of documents to be submitted to decision maker	Public or Private meeting. Statement of reasons if private.
27 July 2017	EX3341	Proposed Property Investment	To agree to the potential purchase of a property which does not conform with the criteria of the Property Investment Strategy	Executive	Councillor Dominc Boeck Richard Turner	Report and associated appendices	<i>(Paragraph 3 - information relating to financial/business affairs of particular person)</i>

Andy Day
Head of Strategic Support
West Berkshire Council

Date: 19 July 2017

² A 'private meeting' means a meeting or part of a meeting of a decision making body which is open to the public except to the extent that the public are excluded due to the confidential or exempt business to be transacted.

³ In accordance with Regulation 5(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

⁴ In accordance with Regulation 5(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Individual Executive Member Decision

2017/18 Revised Exceptional Hardship Policy

Committee considering report:	Individual Executive Member Decision
Date ID to be signed:	27 July 2017
Portfolio Member:	Councillor Keith Chopping
Date Portfolio Member agreed report:	18 July 2017
Forward Plan Ref:	ID3350

1. Purpose of the Report

- 1.1 The purpose of this report is to highlight changes made to the Exceptional Hardship Fund Policy.
- 1.2 West Berkshire Council's Revenues and Benefits Service together with the Housing Service will operate the revised scheme.

2. Recommendations

- 2.1 To agree that the Exceptional Hardship Fund can be administered as described in the attached document.
- 2.2 The main addition to the policy is that there is no longer the need for the claimant to be currently entitled to Council Tax reduction in order that a hardship payment can be considered.
- 2.3 The reason for this is the extent of the changes made (see points 6 & 7)

3. Implications

- (i) **Financial:** The current funding level amounts to £38,000 or about 6% of the savings proposed by the amendments to the 2017/18 Council Tax Reduction Scheme.
- (ii) **Policy:** See attached document (Appendix 1)
- (iii) **Personnel:** Not applicable
- (iv) **Legal:** The Local Government Finance Act 2012 amends Section 13A of the Local Government Finance Act 1992 and sets out the requirement for Councils to develop and adopt a localised Council Tax Reduction Scheme as well as developing a hardship fund to 'cover' any exceptional or serious welfare issues. This Exceptional Hardship Fund Policy forms part of this Scheme.
- (v) **Risk Management:** The decision made by the Council in December 2016 proposed revisions to the Council Tax Reduction Scheme which were due

to make savings of around £594,000.

This sum would then have to be collected from customers as part of their ongoing council tax liability. Therefore, the Council may have problems in recovering this additional amount from some of our poorest members of our community.

Some mitigation can be made in how we collect and additional financial and welfare advice that can be given.

Where severe hardship remains there should be a way of dealing with exceptional circumstances and therefore the customer not having to pay the debt.

(vi) **Property:** None

(vii) **Other:** N/A

4. Consultation Responses

Members:

Leader of Council: Graham Jones emailed 5th July – no response as yet.

Overview & Scrutiny Management Emma Webster emailed 5th July – no response as yet

Commission Chairman:

Opposition Spokesperson: Lee Dillon emailed 5th July – no response as yet

5. Other options considered

5.1 Not having an exceptional hardship scheme would go against the principles set down by government. A different amount was considered but bearing in mind what was awarded during 2015/16 and the reducing entitlement for 2017/18 this would have been inequitable.

6. Introduction/Background

6.1 The Exceptional Hardship Fund is set up to cover the shortfall between Council Tax liability and the award of Council Tax Reduction, previously known as Council Tax Benefit/Support.

6.2 Members approved a revised Council Tax reduction scheme for 2017/18 in December 2016. The amendments made to the scheme mean that many claimants could see a reduced or nil entitlement.

6.3 The main changes to the 2017/18 scheme were:

- (i) Maximum award based upon a Band C property (Band D previously)
- (ii) £10 per week minimum payment increased from £3 per week

- (iii) Savings limit reduced to £6000 (from £16,000)
- (iv) Increase contributions from working age claimants from 25% to 30% of their wages.

6.4 These changes only affect working age claimants. Pensioners and 'vulnerable' claimants are protected.

7. Supporting Information

7.1 The following customers are entitled to make a claim for help from the fund:

- Every customer who is entitled to Council Tax Reduction and who has a shortfall
- Every customer who if not for the changes on the 2017/18 reduction scheme would have qualified for ongoing assistance.

7.2 The main features of the Fund are that:

- Exceptional Hardship Fund awards are discretionary
- Customers do not have a statutory right to an award
- The Exceptional Hardship Fund Policy is held within the main Council Tax Reduction scheme
- Exceptional Hardship Fund awards are not a payment of the main Council Tax Support scheme
- It is a cash limited fund
- The Housing Service assess the applications for hardship and in consultation with the Revenues & Benefit service decide how the Fund is administered.
- West Berkshire Council may decide that a backdated Exceptional Hardship award is appropriate; which could then settle council tax arrears. (This would be the only circumstance where the Exceptional Hardship Fund could be used to facilitate payment of Council Tax arrears.)

7.3 In addition to this fund there is a Discretionary Housing Payments scheme which covers the shortfall between rent and Housing Benefit.

8. Proposals

8.1 To adopt this revised policy.

8.2 Not to adopt this revised policy and continue with previous one agreed.

8.3 Propose further changes to policy.

9. Conclusion

9.1 The proposed revised policy meets our obligations and published guidance. How the revised scheme will operate is described in the policy document attached. The purpose and main aim is to assist those customers who, due to recent changes in the Council Tax Reduction Scheme, are unable to meet the shortfall due to exceptional circumstances.

9.2 In terms of the financial expectations the amount spent will be closely monitored.

Background Papers:

Council Tax Reduction Scheme 2017/18 Full Council Minutes

<http://decisionmaking.westberks.gov.uk/documents/g3550/Printed%20minutes%2008th-Dec-2016%2019.00%20Council.pdf?T=1>

Subject to Call-In:

Yes: No:

Wards affected:

All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

x P&S – Protect and support those who need it

The proposals contained in this report will help to achieve the following Council Strategy priority:

x P&S1 – Good at safeguarding children and vulnerable adults

Officer details:

Name: Iain Bell
Job Title: Revenues & Benefits Manager
Tel No: 01635 519305
E-mail Address: iain.bell@westberks.gov.uk

10. Executive Summary

- 10.1 This revised policy is being introduced following changes to the Local Council Tax Reduction Scheme. The proposed effect of these changes meant that around £594,000 was in effect being removed from claimant's entitlement to benefit.
- 10.2 Government suggested that where local authorities have made changes to their local Council Tax Reduction Scheme that they should develop a scheme/fund that could assist customers who are experiencing exceptional hardship as a result of those changes.
- 10.3 It is believed that the amount put aside will be sufficient but will be closely monitored.

11. Conclusion

- (i) This revised policy meets our obligations in having an exceptional hardship fund to assist those claimants who have been worse affected by the changes agreed.

12. Appendices

- (i) Appendix A – Policy document
- (ii) Appendix B – Equalities Impact Assessment

DRAFT

Council Tax Reduction Scheme Hardship Policy

Reference: HF1
Version No: 1.0
Issue Date: TBA 2017

Document Control

Document Ref:	HF1	Date Created:	27 th January 2017
Version:	1.0	Date Modified:	
Revision due	April 2017		
Author:	Iain Bell	Sign & Date:	
Head of Service:	Andy Walker	Sign & Date:	
Equality Impact Assessment: (EIA)	Date undertaken:	26 th May 2016	
	Issues (if any):	none	

Change History

Version	Date	Description	Change ID
0.1	April 2017	Initial draft	
	July 2017	Updated following Corporate Board	

Related Documents

Reference	Title	Tier

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1. BACKGROUND

The Exceptional Hardship Fund (EHF) has been set up by West Berkshire Council to cover the shortfall between Council Tax liability and the award of Council Tax Reduction, previously known as Council Tax Benefit/Support.

Members approved a revised Council Tax reduction scheme for 2017/18 in December 2016. The amendments made to the scheme mean that many claimants could see a reduced or nil entitlement. This policy therefore requires adjustment.

The following customers are entitled to make a claim for help from the fund;

- Every customer who is entitled to Council Tax Reduction and who has a shortfall
- Every customer who if not for the changes on the 2017/18 reduction scheme would have qualified for ongoing assistance.

The main features of the Fund are that:

- Exceptional Hardship Fund awards are discretionary
- Customers do not have a statutory right to an award
- The Exceptional Hardship Fund Policy is held within the main Council Tax Reduction scheme
- Exceptional Hardship Fund awards are not a payment of the main Council Tax Support scheme
- It is a cash limited fund
- The Housing Service assess the applications for hardship and in consultation with the Revenues & Benefit service decide how the Fund is administered.
- West Berkshire Council may decide that a backdated Exceptional Hardship award is appropriate; which could then settle council tax arrears. (This would be the only circumstance where the Exceptional Hardship Fund could be used to facilitate payment of Council Tax arrears.)

In addition to this fund there is a Discretionary Housing Payments scheme which covers the shortfall between rent and Housing Benefit.

2. EXCEPTIONAL HARDSHIP FUND AND EQUALITIES

The creation of an Exceptional Hardship Fund facility meets West Berkshire Council's obligations under the Equalities Act. The Government has been clear that, in developing a local Council Tax Reduction scheme, vulnerable groups should be protected. Other than statutory protection for low income pensioners the Government has not prescribed the other groups that local Councils should support. West Berkshire Council has designed their Council Tax Reduction scheme to take account of the various statutes that currently protect vulnerable people.

We recognise the importance of protecting our most vulnerable customers and also the impact these changes have. We have created an Exceptional Hardship Fund to ensure that we protect and support those most in need. The Exceptional Hardship Fund is intended to help in cases of extreme financial hardship and not support a lifestyle.

3. PURPOSE OF THIS POLICY

The purpose of this policy is to specify how West Berkshire Council's Revenues and Benefits Service will operate the scheme, and to indicate some of the factors which will be considered when deciding if an Exceptional Hardship Fund payment can be made.

Each case will be treated on its own merits and all customers will be treated fairly and equally in the accessibility to the Fund and also the decisions made with applications. However the council does not have an unlimited fund and therefore there may be instances where there will be an entitlement but no funds will be available. In these circumstances the fund will be monitored to ensure that where a previous applicant has been awarded hardship and their circumstances change, meaning the award stops or reduces, then any previous applications considered for an award but no funds were available, can then be awarded.

A customer may not be claiming a Council Tax discount, Council Tax exemption, welfare benefit, or additional assistance to which they may be entitled. In this instance, prior to assessing entitlement to a discretionary award, they should first be advised, and where necessary assisted, in making a claim to maximise their income.

4. STATEMENT OF OBJECTIVES

The Revenues and Benefits Service will seek through the operation of this policy to:

- Allow a period of time for someone to adjust to unforeseen short-term circumstances and to enable them to "bridge the gap" during this time. Due to the nature of this fund and the resource allocated to its function, this period will normally be a financial year.
- Support people in managing their finances
- Help customers through personal crises and difficult events that affect their finances.
- Aim to help prevent exceptional hardship
- Support vulnerable young people in the transition to adult life.
- Helping those who are trying to help themselves financially
- Alleviate poverty
- Sustain tenancies and prevention of homelessness.
- Keep families together
- Encourage and support people to obtain and sustain employment
- Give support to those who are financially vulnerable

The Exceptional Hardship Fund is a short-term emergency fund, awarded whilst the customer seeks alternative solutions. It cannot be awarded for the following circumstances:

- Where full Council Tax liability is being met by Council Tax Reduction
- For any other reason, other than to reduce Council Tax liability
- Where the Council considers that there are unnecessary expenses/debts etc which the customer has not taken reasonable steps to reduce.

- To cover arrears for previous properties but maybe considered for previous years Council Tax arrears
- Where there is a shortfall caused by a Department for Work and Pensions sanction or suspension being applied because the customer has turned down work/interview/training opportunities.

5. AWARDING AN EXCEPTIONAL HARDSHIP FUND PAYMENT

The Housing Service will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be.

When making this decision the following considerations should apply:

- The shortfall between Council Tax Reduction and Council Tax liability
- The steps taken by the customer to reduce their Council Tax liability. I.e., to reduce their expenditure and increase their income
- Changing payment methods, reprofiling Council Tax instalments or setting alternative payment arrangements in order to make them affordable
- To ensure that all discounts, exemptions and reductions are granted
- Steps taken by the customer to establish whether they are entitled to other welfare benefits.
- Steps taken by the customer in considering and identifying where possible the most economical tariffs for supply of utilities
- If a Discretionary Housing Payment or Exceptional Hardship payment has already been awarded to meet shortfall in rent / council tax
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the customer, their partner and any dependants and any other occupants of the customer's home
- Have regard to other possible costs the council could incur e.g., housing, child and family services etc., if a payment is not awarded
- The difficulty experienced by the customer, which prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will exist.
- Shortfalls due to non-dependant deductions and whether the non dependant is able to contribute.
- The income and expenditure of the customer, their partner and any dependants or other occupants of the customer's home
- By how much expenditure, which is considered reasonable, exceeds income
- All income may be taken into account, including those which are disregarded when awarding Council Tax Support
- Any savings or capital that might be held by the customer or their partner
- Other priority debts outstanding for the customer and their partner
- Whether the customer has already accessed or is engaging for assistance with budgeting and financial/debt management advice.

An Exceptional Hardship Fund award may not be made until the customer has accepted assistance either from the Council or third party, such as the Citizens Advice Bureau or similar organisations, to enable them to manage their finances more effectively, including

- the termination of non essential expenditure .
- The exceptional nature of the customer and/or their family's circumstances that impact on finances
- The amount available in the Exceptional Hardship Fund at the time of the application

The list is not exhaustive and other relevant factors and special circumstances will be considered.

An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the customer's circumstances have not changed.

An Exceptional Hardship Fund award may be less than the difference between the Council Tax liability and the amount of Council Tax Support paid.

6. PUBLICITY

The Revenues and Benefits Service will publicise this Fund via relevant documents and notices, and will work with interested parties to achieve this. A copy of this policy will be made available for inspection and will be published on the Council's website.

7. MAKING A CLAIM

A customer must make a claim for an Exceptional Hardship Fund award by submitting an application to West Berkshire Council. The application form can be obtained via the telephone, in person at one of the Council offices and/or the internet. Customers can get assistance with the completion of the form from the Revenues and Benefits Service or Customer Services at the Council offices.

The application form must be fully completed and supporting information or evidence provided, as reasonably requested by the Council.

In most cases the person who claims the Exceptional Hardship Fund award will be the person entitled to Council Tax Reduction. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8. CHANGE OF CIRCUMSTANCES

The Revenues and Benefits Service may revise an award from the Exceptional Hardship Fund where the customer's circumstances have changed which either increases or reduces their Council Tax reduction entitlement

9. DUTIES OF THE CUSTOMER

A person claiming an Exceptional Hardship Fund Payment is required to:

- Give the Council such information as it may require to make a decision.
- Tell the Council of any changes in circumstances that may be relevant to their ongoing claim.

- Give the Council such other information as it may require in connection with their claim.

10. AMOUNT AND DURATION OF AWARD

Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.

The period of award should be sufficient to reasonably address that hardship, which is the subject of the claimant's application. Following the application any resultant award should only be made if it serves to alleviate this hardship. The period of award should be assessed in accordance with the individual circumstances of each case.

The Exceptional Hardship Fund will normally be awarded for a minimum of one month.

The maximum length of the award will not exceed the end of the financial year in which the award is given.

11. PAYMENT OF AWARD

Any Exceptional Hardship Fund award will be made directly into the customer's Council Tax account, thus reducing the amount of Council Tax payable.

12. OVERPAID EXCEPTIONAL HARDSHIP FUND PAYMENTS

Overpaid Exceptional Hardship Fund awards will generally be recovered directly from the customers council tax account, thus increasing the amount of Council Tax due and payable.

13. NOTIFICATION OF AN AWARD

The Council will notify the outcome of each application for Exceptional Hardship Fund awards in writing. The notification will include the reason for the decision and advise the customer of their appeal rights.

14. THE RIGHT TO APPEAL

As the Exceptional Hardship Fund is not a benefit, there is no right to a statutory appeal. If the customer is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund award, a decision to a reduced amount of Exceptional Hardship Fund award, a decision not to backdate an Exceptional Hardship Fund award or a decision that there has been an overpayment of an Exceptional Hardship Fund award, they must make written representation to the Council setting out their request for a review.

At West Berkshire Council a relevant Head of Service or Director will consider the request for a review and respond in writing, setting out the decision and associated reasons for the decision.

Any request for an appeal must be made within 21 days of the date of the notification letter confirming the original decision.

15. FRAUD

The Revenues and Benefits Service and Housing Service is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.

A customer who tries to fraudulently claim an Exceptional Hardship Fund award by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

Where the Revenues and Benefits Service or Housing Service suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16. LEGISLATION

The Local Government Finance Act 2012 amends Section 13A of the Local Government Finance Act 1992 and sets out the requirement for Councils to develop and adopt a localised Council Tax Reduction Scheme. This Exceptional Hardship Fund Policy forms part of this Scheme.

17. COMPLAINTS

The Council's Customer Service Team will deal with any complaints about this policy via the online form (available on the Councils website) or you may telephone our

Customer Service Team on 01635 519258

Email : customerservices@westberks.gov.uk

or write to us at

Customer Services,

West Berkshire Council

Council Offices

Market Street

Newbury

Berkshire

RG14 5LD

18. POLICY REVIEW

This policy should be reviewed on each occasion where there is a significant change in the Council Tax reduction scheme and be updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Exceptional Hardship Fund Policy
Summary of relevant legislation:	Local Government Finance Act 1992 Local Government Finance Act 2013 Localism Act 2013 Fraud Act 2006
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Iain Bell
Date of assessment:	May 2017

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	/No		

1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To alleviate financial hardship
Objectives:	As above
Outcomes:	As above
Benefits:	For the claimant – to bridge any gap of financial hardship

2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age		

Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		
The issue in the policy is one of vulnerability due to financial hardship not inequality based upon one of these groups of people.		

3. Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: Decisions will be made on basis of financial information.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: For the claimant, if awarded, the policy will have no or a positive effect upon peoples lives. Where the application is refused welfare and financial advice can be given / signposted.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4. Identify next steps as appropriate:	
Stage Two required	

Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Iain Bell

Date: May 2017

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.